THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO. 17610 OF 2005

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DATED: 10.08.2005

Between:

Mohd. Rafiuddin S/o Mohd. Faqruddin aged about 43 years, Occ: Business, R/o H.No. 21-1-98, Near Moti Masjid, Nayapoor, Hyderabad, presently at Shamshabad.

Petitioner

And

1. The Special Deputy Collector, (LA), I.A.P. Shamshabad, Office at Khairatabad, Hyderabad.

Respondent.

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the action of the respondent in interfering with the possession of the petitioner over an extent of Ac. 4.03 gts in S.No. 181 or any part of it, situated at Shamshabad Village,

in any manner, without initiating proceedings under the Land Acquisition Act, on the pretext of notification for acquisition in respect of land to an extent of Ac. 0.11 guntas in S.No. 43, situated at Thondupally Village, Ranga Reddy District, as arbitrary and illegal.

Brief facts of the case are that the petitioner is the absolute owner and exclusive possessor of the land to an extent of Ac. 4.03 guntas in S.No. 181, situated at Shamshabad Village, Ranga Reddy District. While so, the respondent proposed to acquire the land for International Air-port Project, Shamshabad, by issuing Form No. 7 Notice dated 16.7.2003, by mentioning the petitioner's name as pattadar of land in S.No. 43. For that the petitioner submitted his reply to the respondent stating that he is the owner and possessor of land in S.No. 181 of Shamshabad Village, and it is not notified for acquisition. It is submitted that in spite of giving reply stating all the facts, the respondent visited the land of the petitioner and trying to measure it. Therefore, the petitioner submitted the representation dated 17.1.2005 to the respondent stating that he is the owner and possessor of the land to an extent of Ac. 4.03 guntas in S.No. 181 and re-verify the survey number and name of the village and area of the land under acquisition. But the same is still pending and so far no action has been taken by the respondent on the representation filed by the petitioner dated17.1.2005.

In view of the above facts and circumstances, I deem it appropriate to dispose of the Writ Petition with a direction to the respondent to consider and pass appropriate orders on the representation of the petitioner dated 17.1.2005, within a period of four weeks from the date of receipt of a copy of this order. In the meanwhile, the respondent is directed not to interfere with the peaceful possession and enjoyment of the suit schedule property of the petitioner. No order as to costs.

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E. DHARMA RAO, J

DATED: 10.8.2005

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